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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION

11 GENENTECH, INC. and  
12 ROCHE PALO ALTO, LLC,

13 Plaintiffs and Counterclaim Defendants,

14 v.

15 SANDOZ, INC.

16 Defendant and Counterclaim Plaintiff.  
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Case No. 3:11-cv-01925-JSW (LB)  
Related Case No. 3:11-cv-02410-JSW

**[PROPOSED] ORDER VACATING CLAIM  
CONSTRUCTION ORDER**

Ctrm: 11, 19th Floor  
Judge: Honorable Jeffrey S. White

Pursuant to a stipulation entered into between Plaintiffs Genentech, Inc. and Roche Palo Alto LLC (collectively "Plaintiffs") and Defendant Sandoz Inc. ("Defendant") and for good cause shown under the equitable factors identified in *Ringsby Truck Lines, Inc. v. Western Conference of Teamsters*, 686 F.2d 720 (9th Cir. 1982), including "'the consequences and attendant hardships of dismissal or refusal to dismiss' and 'the competing values of finality of judgment and right to relitigation of unreviewed disputes,'" *id.* at 722, it is hereby

ORDERED, that good cause exists for vacatur of the Claim Construction Order (ECF No. 86) in light of the *Ringsby* factors; it is further

exclusively as it relates to case no. 11-1925 JSW  
ORDERED, that the Claim Construction Order (ECF No. 86) in this action is hereby VACATED; and it is further

ORDERED, that all future dates entered in this action are hereby vacated.

January 2014.  
**DONE and ORDERED** in Chambers this 3rd day of ~~December~~ 2013.

  
HON. JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE